IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal (Ld) No. 89 of 2005
in
Company Petition No.69 of 2003

M/s Zenith Metaplast Pvt.Ltd. ..Appellants

vs.

M/s Madon Sales Corporation ..Respondents

Mr.Ravi Kadam i/b Mr.S.S.Kulkarni for appellants
Mr.Naveen Chomal for respondents.

CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
2nd March, 2005

P.C.

1. Heard Advocates.

2. By consent of the parties, impugned order is set aside and substituted by following order:

> "The respondent will file against the appellants a suit within a period of four weeks in the court of Civil Judge, Sr.Dn., Nashik. The Trial Court shall hear and dispose of the said suit along with the suit filed by the appellant i.e. Civil Suit No.15 of 2002 expeditiously and in any event within a period of six months. The appellant agrees that in the event of there being a decree in favour of the present respondents the appellants shall pay

the

amount to the respondents subject to their right to file appeal. In other words the respondents will not force the appellants to go for execution. All contentions on merits are left open to the parties."

3. Appeal is disposed of accordingly.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Notice of Motion No. 542 of 2005
in
Appeal (Ld) No. 89 of 2005
in
Company Petition No.69 of 2003

M/s Zenith Metaplast Pvt.Ltd. ..Appellants

vs.

M/s Madon Sales Corporation ..Respondents

Mr.Ravi Kadam i/b Mr.S.S.Kulkarni for appellants
Mr.Naveen Chomal for respondents.

CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
2nd March, 2005

P.C.

1. Heard Advocates.

2. Notice of Motion is made absolute interms of prayer clause (a).